

REMARKS/ARGUMENTS

Claims 2, 3, 5, 6, 9, 10, 12-16 and 54-84 are pending herein. Claims 9, 10, 12-16 and 55-63 are allowed. Claim 54 has been amended as supported by Fig. 6 of the present application, for example.

New claims 64-84 have been added. New claims 64 and 65 each correspond to allowed claims 55 and 56, respectively, with the exception of the added feature that at least one electrode cap seals at least one end of the cell case. New dependent claims 67-73 respectively correspond to pending claims 9, 10 and 12-16, and each depends from new claim 64. New claims 74-80 respectively correspond to pending claims 57-63, and each depends from new claim 65.

New claim 66 corresponds to amended claim 54, discussed below, with the exception of the added feature that at least one electrode cap seals at least one end of the cell case. New claims 81-84 respectively correspond to pending claims 2, 3, 5 and 6, and each depends from new claim 66.

Examiner Mercado is thanked for courtesies extended to applicants' representative (Steven Caldwell) during a telephonic interview on June 4, 2004. During the interview, Examiner Mercado tentatively agreed that amended claim 54, submitted above, overcomes all of the applied prior art asserted against that claim in the Office Action.

1. Claims 5 and 54 were rejected under §102(b) over Teramoto. As discussed above, Examiner Mercado tentatively agreed that amended claim 54 defines patentable subject matter over Teramoto. Specifically, Examiner Mercado agreed that Teramoto does not disclose or suggest: (i) the entirety of an external terminal member being shielded from or not in contact with the interior of the cell case; (ii) an internal terminal member directly contacting the external terminal member; and (iii) the entirety of the internal terminal member

being shielded from or not in contact with the exterior of the cell case, as now recited in claim 54.

2. Claims 2, 3, 5, 6 and 54 were rejected under §103(a) over JP 10-162801 in view of Yamamoto. As discussed above, during the interview Examiner Mercado tentatively agreed that the drawings in JP '801 show a single-piece terminal member having a portion that is exposed to the exterior of the cell case and a portion that protrudes into the interior of the cell case. As such, JP '801 does not disclose or suggest the above-discussed features (i)-(iii) now recited in pending claim 54.

3. Claims 2 and 3 were rejected under §103(a) over Teramoto. As discussed above, Examiner Mercado tentatively agreed that amended claim 54 defines patentable subject matter over Teramoto. Since claims 2 and 3 depend directly from claim 54, those claims are also believed to be allowable over Teramoto.

Applicants respectfully submit that all pending claims herein are now in condition for allowance. Accordingly, the PTO is requested to issue a Notice of Allowance for this application in due course.

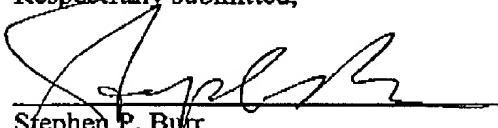
If Examiner Mercado believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

June 14, 2004

Date


Stephen P. Burr
Reg. No. 32,970

SPB/SWC/eav

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320